



Defendants timely filed an Answer to Plaintiff's Complaint on October 24, 2022, and it was served on Plaintiff by mail the same day. [Doc. 35; see id. at 3].

On October 27, 2022, Plaintiff signed and mailed a motion for entry of default. [Doc. 37 at 3; Doc. 37-2]. As grounds, he claimed that "Today's date is: 10-27-2022" and Defendants failed to timely answer or otherwise plead in response to Plaintiff's Complaint. [Id. at 2]. Plaintiff, however, failed to even allow enough time to receive Defendants' Answer by mail before filing that motion. The Court, therefore, denied it as meritless and frivolous and again cautioned Plaintiff against filing unnecessary documents with this Court. [Doc. 38; see Doc. 26 at 5 ("**[S]hould Plaintiff persist in inundating the Court with improper and unnecessary filings in direct contravention of the Court's Orders, he will be subject to sanctions, which may include dismissal of this action.**") (Emphasis in original)].

Plaintiff now again moves for entry of default, despite the Court's previous Order stating that Defendants' Answer was timely. [Doc. 39]. This time, Plaintiff includes a copy of Plaintiff's Henderson County Sheriff's Department Mail Log Report for October 1, 2022, to October 31, 2022, which does not contain an entry showing that Plaintiff received Defendants' Answer during that time frame. [Doc. 39-1 at 1]. Plaintiff argues that because he

has proven that he “never received an answer ... defendants are to be defaulted.” [Doc. 39 at 2]. Plaintiff has again filed a meritless and frivolous motion with the Court. It has already been established that Defendants timely answered Plaintiff’s Complaint. That Plaintiff did not receive the Answer in the mail before October 31, 2022, does not mean that Defendants “are to be defaulted.” See Fed. R. Civ. P. 55(a). It is certainly possible that Plaintiff simply had not yet received the Answer in the mail or, perhaps, the Answer was lost in the mail. In any case, default is not the proper remedy and Plaintiff’s motion will be denied.<sup>1</sup>

Any further motion by Plaintiff seeking entry of default or a default judgment in this matter will be summarily stricken. Plaintiff is again plainly wasting judicial resources by his meritless, frivolous, and improper filings. **Although Plaintiff seems undeterred by the Court’s warnings in this case, the Court again cautions Plaintiff that should he persist in such filings he will be subject to sanctions, which may include dismissal of this action. Despite the Court’s patience in this matter, dismissal of this action may ultimately be appropriate should the Plaintiff continue to ignore the Court’s warnings.**

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<sup>1</sup> To avoid any future wasting of the Court’s resources relative to Defendants’ Answer to Plaintiff’s Complaint, the Court will direct the Clerk to mail Plaintiff a copy of the Answer.

Plaintiff is also reminded of his duty to familiarize himself with the applicable rules and procedures, including the Federal Rules of Civil Procedure and this Court's Local Rules. [Doc. 3 at ¶ 1: Order of Instructions]. Plaintiff so far has evinced a clear failure to meet this obligation.


**ORDER**

**IT IS THEREFORE ORDERED** that Plaintiff's Motion [Doc. 39] is **DENIED**.

The Clerk is respectfully instructed to mail Plaintiff a copy of Defendants' Answer [Doc. 35].

**IT IS SO ORDERED.**

Signed: November 28, 2022

  
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Martin Reidinger  
Chief United States District Judge

